

M Assessment Appeals Procedure

M1 Background

- M1.1** The procedure applies to decisions on assessments made by Assessments Boards. This includes decisions made by bodies that report to the External Assessment Board: the AP(E)L Committee, the Mitigation Claim Review Panel, the Mitigation Claim designated staff member and the Academic Misconduct Panel, the Heads of School (or nominee) for Minor Academic Misconduct and relevant types of withdrawals, and designated staff member for Mitigation Claims (unless referred to the Mitigation Panel).
- M1.2** A student may not lodge an appeal on the grounds of dissatisfaction with the design, curriculum or delivery (teaching, departmental support, etc.) of a programme; University Centre Croydon's Procedure for Complaints, Suggestions and Commendations exists in part to deal with such issues.
- M1.3** The investigation of a complaint from a student may reveal issues that would have formed grounds for an appeal under the Assessment Appeals Procedure. When this is the case, a student must not be prevented from exercising the right to appeal subsequent to the findings of the complaints investigation on the grounds of its being 'out of time'. In such instances, the deadlines set out in this procedure must be calculated from the date at which the student received the information as an outcome of the complaints investigation that might form the basis of her/his appeal.
- M1.4** The Dean of University Centre Croydon, Chief Operating Officer or Vice Principal: Curriculum & Quality is empowered to refer the matter as an appeal to whichever is the appropriate forum for its consideration. Equally, if a student submits as a complaint, which is wholly or partly an appeal on one of the four grounds then it is an obligation of University Centre Croydon to ensure that the issue is considered under the Assessment Appeals Procedure.
- M1.5** It is important to ensure that the deliberations and decisions of assessors, examiners and External Assessment Boards and any consequences of such

decisions are dealt with strictly in relation to assessment.

M2 Grounds for Appeal

M2.1 The potential grounds for appeal in relation to a decision by an Assessment Board are as follows:

1) that there existed circumstances affecting the student's performance of which the examiners were not aware when their decision was taken, and which could not reasonably have been presented to the examiners;

2) that there was a procedural irregularity (including administrative error) or other inadequacy in the conduct of the examinations, or processing of marks or grades, or the categorisation of an award of such a nature as to cause doubt as to whether the result might have been different had there not been such an irregularity;

3) that there exists evidence of prejudice or of bias on the part of an examiner.

M2.2 These are the only grounds for appeal. There is no right of appeal against assessment decisions which are matters of academic judgement.

M3 The Procedure for Appeal

M3.1 Students may wish to take advice as to whether to appeal or not. Their personal tutors, the Academic/Programme Leader or the Head of School are all suitable members of staff from whom to obtain advice about how to use the Appeals procedure. However, University Centre Croydon recognises that the student may feel that these are not unbiased sources as they are involved to varying degrees with the assessment decision against which the student may wish to appeal. In such instances, the student may wish to consider asking the Registry and Partnership Manager to refer her or him to another member of University Centre Croydon, who would not be involved in the assessment decision, and is qualified to explain the appeals procedure.

M3.2 Whatever source of information the student chooses, it is their responsibility to

*Source: Academic & Assessment Regulations 2018-19_UoS and other relevant programmes.
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choose whether to appeal, the grounds upon which they do so and the evidence they decide to present. Evidence submitted in a foreign language is accepted only if an English translation is also provided and accompanied by the student's signed declaration that it is a true translation.

- M3.3** For assessments dealt with by External Assessment Boards, a student who wishes to appeal against a decision of the External Assessment Board must submit the appeal form and evidence to the Registry and Partnership Manager to invoke the Academic Appeals Procedure **within 21 calendar days of the date of the publication of the External Assessment Board results.**
- M3.4** For recommendations made by the designated staff member assessing mitigation claims, Mitigation Claims Review Panel, the Head of School (or nominee) with regard to Academic Misconduct, or the Academic Misconduct Panel, a student who wishes to appeal must submit the appeal form and evidence to the Registry and Partnership Manager to invoke the Academic Appeals Procedure **within 21 calendar days** of receipt of the letter or email from the Registry and Partnership Manager or a nominee.
- M3.5** It is not possible to appeal twice regarding the same matter. Where a student has already appealed against a Mitigation Claim decision or Academic Misconduct decision within the 21-day time frame from learning the decision, and has received a decision on the outcome of their Appeal, they may not appeal against the outcome again once the outcomes of these procedures have been ratified by the External Assessment Board and notified to the student formally as part of results publication.

Where the student did not appeal within the 21 calendar days of receiving the Mitigation Claim decision or Academic Misconduct decision, they still may appeal against these decisions using the timeframe of 21 calendar days of the publication of the External Assessment Board results as per L3.3. However, when appealing under these circumstances the student will be expected to provide a compelling reason for not having submitted the appeal within the 21 calendar days of receiving the Mitigation Claim decision or Academic Misconduct decision.

M3.6 A request for an appeal must state the decision concerned, the grounds (i.e. one or more of the acceptable grounds given above) and be accompanied by documents that are evidence for the case.

M3.7 The Dean of University Centre Croydon, Chief Operating Officer or Vice Principal: Curriculum & Quality shall make an assessment of the validity of the case and decide whether or not it should be put before the Assessment Appeals Panel. The decision to proceed with such a request will only be taken if it has been established that:

- the case is based, prima facie, on additional information about a student's personal circumstances

or

- on evidence of procedural irregularity;

and

- is not one which challenges the academic judgement of the External Assessment Board or the AP(E)L Committee.

M3.8 This decision should normally be made within 10 working days of receipt of the appeal from the student, and be advised to them in writing.

It is the student's obligation to provide the evidence for the Dean of University Centre Croydon, Chief Operating Officer or Vice Principal: Curriculum & Quality to consider. It is not the duty of the Dean of University Centre Croydon, Chief Operating Officer or Vice Principal: Curriculum & Quality to obtain evidence on behalf of the student for the appeal; their decision shall normally be based only on the evidence provided and the case made by the appellant.

In exceptional cases, the Dean of University Centre Croydon, Chief Operating Officer or Vice Principal: Curriculum & Quality may request clearly specified additional items of evidence from the appellant or from a University Centre Croydon's staff member, if they feel that such specific items of evidence are relevant for the completion of the initial consideration of the appeal. However, such cases are by exception only and this provision is not intended to provide the appellant with extended opportunity to submit evidence that they could have reasonably submitted with their original appeal by the standard deadline.

M3.9 In the case of the student providing unequivocal evidence supporting the appeal, the Dean of University Centre Croydon, Chief Operating Officer or Vice Principal: Curriculum & Quality is authorised to take Chair's Action to uphold the appeal without a hearing being convened.

M4 The Function of the Assessment Appeals Panel

M4.1 The Assessment Appeals Panel will consider appeals against assessment decisions of External Assessment Boards. The decisions of their sub-boards, the Academic Misconduct Panel and the Mitigation Claims Review Panel, as well as Head of School (or nominee) for Minor Academic Misconduct and designated person for Mitigation Claims unless referred to Mitigation Claims Review Panel, which are reported by the External Assessment Board, are considered for the purpose of the appeal process to be decisions of the External Assessment Boards. It will establish whether there is, prima facie, a justified case of appeal and if so to consider whether

1. To uphold the decision of the External Assessment Board
2. To overturn the decision of the External Assessment Board or
3. To require the External Assessment Board to reconsider their decision.

M5 The Constitution of the Assessment Appeals Panel

M5.1 The membership of the Assessment Appeals Panel shall be:

- Chair: the Dean of University Centre Croydon or her/his nominee who has not previously been involved in the assessment decision being appealed against and is a member of Senior Management;
- a manager of at least Programme Leader level who has not previously been involved in the assessment decision;
- a member of a higher education programme's teaching staff, not directly concerned with the programme, in which the programme and the student

are based;

- the secretary to the Panel, normally the Registry and Partnership Manager or his/her nominee.

Note

Any potential member who has been involved in teaching, assessing, counselling or advising a student will be ineligible to serve on the Panel hearing the case of that student.

- A quorum of the Assessment Appeals Panel requires all three members, plus the Secretary.

M5.2 The Secretary of the Panel:

- Is responsible for ensuring that the procedures are appropriately adhered to;
- Shall convene meetings of the Assessment Appeals Panel;
- Shall ensure that decisions are notified to all parties concerned and that appropriate action is taken.

M6 **Convening of Assessment Appeals Panel**

M6.1 The Secretary shall convene a meeting of the Academic Appeals Panel on the first convenient date, which shall not normally be more than twenty working days after the request has been lodged.

Ten working days' notice of any meeting of the Academic Appeals Panel shall be given to the members, the student and any other persons required to attend, for example witnessed to the assessment decision.

The student should normally be present and may be accompanied by one person of his/her choosing. If the student is unable to appear, the appeal will be held in the student's absence. If there is reasonable doubt about the student having received the papers or notification of the date, then the meeting will be postponed, until the student has had due notice of its sitting.

The Assessment Appeals Panel and/or the student may summon to appear any other person(s) whom they may reasonably consider to be a material witness.

M7 Conduct of Assessment Appeals Panel Hearing

M7.1 Prior to the hearing, all parties to the appeal will have been circulated with written statements setting out the student's grounds for appeal and any written statements of those responsible for the assessment decision which is being appealed against, together with any evidence provided by the student.

M7.2 If the student is present, the Panel will start by hearing an opening statement from the student, or the student's representative, on the grounds for the appeal. At this point, the Panel may question the student and/or her/his representative (if there is one).

Note: Students with learning difficulties and/or disabilities will be allowed appropriate support.

If the student is not present, the Panel will receive any further documentary evidence in support of the appeal at this point. The Panel will then consider the appeal in the student's absence.

M7.3 The Panel will next hear from any witnesses the student wished to offer followed by witnesses to the assessment decision which is the subject of the appeal.

M7.4 Witnesses will be heard individually and separately. No witnesses shall be allowed to remain in the room in which the hearing is taking place either before or after they have given their evidence.

M7.5 Witnesses may be questioned by the student or the student's representative and then by the Panel.

M7.6 The Chair of the Panel must ensure that witnesses are only questioned about matters germane to the case of the student on the grounds permitted by the Procedure. Questions may not be used to discuss complaints or other matters of dissatisfaction of the student.

- M7.7** The Chair must also ensure that witnesses do not question any party to the appeal and do not make statements that are not relevant to the questions they are asked.
- M7.8** After all witnesses have been heard, the student or her/his representative may make a concluding statement summarising what has been presented to the Panel.
- M7.9** The Assessment Appeals Panel is not empowered to consider any appeal on grounds other than those lodged by the student at the time of giving notice of the appeal. Any grounds other than those made within the 21 calendar day period for the notice of appeal, will not be considered and will be deemed 'out of time'.
- M7.10** The student's classification will not be lowered as a consequence of them submitting an appeal, and nor will an individual mark be reduced.
- M7.11** The Panel will then deliberate in private and announce its decision publicly to the student and the student's representative.
- M7.12** The Panel's decision will also be communicated in writing within 7 working days to:
- The student;
 - The student's representative, if there is one;
 - The Dean of University Centre Croydon;
 - The Associate Dean of University Centre Croydon
 - The HE Registry Assessments Officer;
 - The Chair of the External Assessment Board which made or recorded the decision against which the appeal has been made;
 - The Chair of the AP(E)L: Panel, where the appeal was against the decision of the AP(E)I Panel;
 - The Academic/Programme Leader of the programme to which the appeal refers;
 - The student's Academic/Programme Leader.

- M8 Decisions of the Assessment Appeals Panel**
- M8.1** The Assessment Appeals Panel shall consider the appeal and if it finds that the student has established a valid case, will either
1. overturn the decision of the External Assessment Board or
 2. require the External Assessment Board whose decision has been challenged, to reconsider that decision.
- M8.2** Where the Assessment Appeals Panel finds that the student has not established a valid case for a review of the decision, it will uphold the External Assessment Board's decision. This outcome shall be communicated to the student by the Secretary of the Panel. There is no further right of appeal within University Centre Croydon. See L10 below regarding the right to appeal to the awarding body.
- M8.3** When a decision has been referred back to an External Assessment Board Chair they shall reconsider, within three calendar months, the student's case, giving due consideration to the comments and recommendations of the Assessment Appeals Panel. They will either confirm their decisions or make appropriate adjustments.
- M8.4** The Chair of the External Assessment Board will report the decision to the Secretary of the Appeals Panel who will inform the student and take any further necessary action.
- M8.5** If, after consideration in the circumstances detailed above, the External Assessment Board does not modify its decisions, or the modified decision is still considered to be in error by the Academic Appeals Panel, then the Academic Appeals Panel may annul that decision.
- M8.6** In cases of procedural or other irregularity, or where it is not possible to reconvene an External Assessment Board, the Appeals Panel has the power to annul a decision of an External Assessment Board. If an error or irregularity is found to have affected more than one student, the Appeals Panel may annul the whole

assessment or any part of it. The decision of the Appeals Panel shall be final.

M8.7 The person with responsibility for conducting the appeal at each stage of the procedure, has the responsibility to communicate the outcome to:

- The HE Registry Assessments Officer
- The Head of School and the Academic/Programme Leader who has responsibility for the programme;
- The Dean of University Centre Croydon.

M9 Confidentiality

M9.1 It is a requirement for all those involved in the appeals process that information on personal circumstances presented by students is treated as strictly confidential and only made known to other colleagues if essential for due consideration to be given to the student's case.

M9.2 Once an appeal has been accepted there must be no communication of any sort between interested parties and members of the Assessment Appeals Panel.

M10 Right of Appeal to the Awarding Bodies

M10.1 If an appeal is **rejected or not upheld**, the student must be informed at the time s/he is given the decision that s/he has the right to request the awarding body to review the College's implementation of its assessment appeals process. In such circumstances, in the appeal outcome letter the student must be provided with the address to which to send her/his request.

The student has the right to request a review by the awarding body even if an appeal has, in the view of University Centre Croydon, been **upheld** but the student remains dissatisfied with the outcome. The student must be informed of this option in the appeal outcome letter.

To invoke this process for programmes awarded by the University of Sussex, the student should submit a completed 'appeals form for decisions of a partner institution' to the Appeals Officer within 21 calendar days of the issue of the appeal outcome letter.

*Source: Academic & Assessment Regulations 2018-19_UoS and other relevant programmes.
Assessment Appeals Procedure to be used for all relevant HE programmes except LLB, delivered by Croydon College / University Centre Croydon.*

The decision of the University indicates the completion of the appeals procedure.

For programmes awarded by professional bodies that are members of the OIA scheme, the same process will apply.

For programmes awarded by professional bodies that are not yet members of the OIA scheme and/or do not have a process for reviewing University Centre Croydon's appeals process, it may be appropriate for University Centre Croydon to signpost the student to University Centre Croydon's Complaints Procedure to ensure that the student has exhausted all internal options first, or to issue the Completion of Proceedings letter after University Centre Croydon's appeals stage.

Where the student is not satisfied with the outcome of the procedure s/he may request a review by the Office of the Independent Adjudicator for Higher Education (OIA). The OIA provides an independent scheme to enable the review of unresolved student complaints including appeals. The student must submit a complaint to the OIA within 12 months of the date of the Completion of Procedures letter from the University of Sussex. An appeal to the OIA is made by completing a Scheme complaint form. Copies of this form should be made available within University Centre Croydon and are also available at **www.oiahe.org.uk**.